

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-00896-AKH-DCF

Levy v. Danziger et al
Assigned to: Judge Alvin K. Hellerstein
Referred to: Magistrate Judge Debra C. Freeman
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 02/06/2007
Date Terminated: 03/26/2010
Jury Demand: Plaintiff
Nature of Suit: 850 Securities/Commodities
Jurisdiction: Federal Question

Plaintiff

Mark Levy

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V.

Defendant

Itsik Danziger

TERMINATED: 06/01/2007

Defendant

John Does

1-20

Defendant

Yaacov Koren

represented by **Seth T. Taube**

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Nominal Defendant

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Date Filed	#	Docket Text
02/06/2007	<u>1</u>	COMPLAINT against Itsik Danziger, John Does, Comverse Technology, Inc.. (Filing Fee \$ 350.00, Receipt Number 605164) Document filed by Mark Levy.(mbe) Additional attachment(s) added on 2/15/2007 (Becerra, Maribel). (Entered: 02/09/2007)
02/06/2007	<u>1</u>	SUMMONS ISSUED as to Itsik Danziger, John Does, Comverse Technology, Inc.. (mbe) (Entered: 02/09/2007)
02/06/2007	<u>1</u>	Magistrate Judge Debra C. Freeman is so designated. (mbe) (Entered: 02/09/2007)
02/06/2007	<u>1</u>	Case Designated ECF. (mbe) (Entered: 02/09/2007)
02/27/2007	<u>2</u>	STIPULATION AND ORDER; Service is accepted on behalf of Nominal Defendant Converse Technology, Inc., represented by the undersigned ocunsel; and the time for Defendants to answer, move or dismiss or otherwise respond to the complaint is extended to March 28, 2007. (Signed by Judge Colleen McMahon on 2/27/07) (dj) Additional attachment(s) added on 2/28/2007 (Clark, Dolores). (Entered: 02/28/2007)
02/27/2007	<u>1</u>	Set Answer Due Date purs. to <u>2</u> Stipulation and Order, as to Itsik Danziger answer due on 3/28/2007; John Does answer due on 3/28/2007; Comverse Technology, Inc. answer due on 3/28/2007. (dj) (Entered: 02/28/2007)
03/06/2007	<u>3</u>	ORDER RE SCHEDULING AND INITIAL PRETRIAL CONFERENCE:... If such a consent order is not filed within the time provided,... Initial Conference set for 5/18/2007 10:00 AM before Judge Colleen McMahon. In Courtroom 21B, 500 Pearl Street, New York, New York, 10007. (Signed by Judge Colleen McMahon on 3/6/07) (js) (Entered: 03/07/2007)
03/27/2007	<u>4</u>	STIPULATION AND ORDER, Itsik Danziger answer due 4/19/2007; Comverse Technology, Inc. answer due 4/19/2007. (Signed by Judge Colleen McMahon on 3/22/2007) (jmi) (Entered: 03/28/2007)
04/18/2007	<u>5</u>	STIPULATION AND ORDER the time for Defendants to answer, move to dismiss or otherwise respond to the Complaint is extended to May 23, 2007. (Signed by Judge Colleen McMahon on 4/18/2007) (jmi) (Entered: 04/20/2007)
04/18/2007	<u>1</u>	Set Answer Due Date purs. to <u>5</u> Stipulation and Order as to Itsik Danziger answer due on 5/23/2007; Comverse Technology, Inc. answer due on 5/23/2007. (jmi) (Entered: 04/20/2007)

05/16/2007	<u>¶ 6</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Matthew L. Mustokoff dated 5/16/07 re: plaintiff requests that the Court adjourn the 5/19 conf. until a time after the amended complaint has been filed and responded to by the new dfts. So Ordered. I will adjourn the conf. only on the condition that plaintiff file and serve any amended complaint by 6/1/2007. The conf. is adjourned until 6/22/2007 @ 02:15pm. I do not adjourn conf. to await answer to complaints. (Signed by Judge Colleen McMahon on 5/18/07) (pl) (Entered: 05/17/2007)
06/01/2007	<u>¶ 7</u>	CERTIFICATE OF SERVICE. Comverse Technology, Inc. served on 6/1/2007, answer due 6/21/2007. Service was made by HAND DELIVERY. Document filed by Mark Levy. (Fruchter, Jack) (Entered: 06/01/2007)
06/01/2007	<u>¶ 8</u>	AMENDED COMPLAINT amending <u>1</u> Complaint against Yaacov Koren, John Does. Document filed by Mark Levy. Related document: <u>1</u> Complaint filed by Mark Levy.(jco) (Entered: 06/05/2007)
06/12/2007	<u>¶ 9</u>	STIPULATION AND ORDER: It is hereby stipulated and agreed by and between counsel for the undersigned parties as follows: Defendant Comverse Technology Inc. shall file and serve its motion to dismiss or otherwise respond to the complaint no later than 6/29/07. Plaintiff shall file and serve its opposition to defendant Comverse's motion to dismiss no later than 7/27/07. Defendant Converse shall file and serve its reply to plaintiff's opposition no later than 8/10/07. This stipulation may be executed in counterparts, including by signature transmitted by facsimile. Each counterpart when so executed shall be deemed to be an original, and all such counterparts together shall constitute the same instrument. (Signed by Judge Colleen McMahon on 6/11/07) (js) (Entered: 06/13/2007)
06/27/2007	<u>¶ 10</u>	STIPULATION AND ORDER: Defendant Comverse shall file and serve its motion to dismiss or otherwise respond to the Complaint no later than July 6, 2007; Plaintiff shall file and serve its opposition to Defendant Comverse's motion to dismiss no later than August 10, 2007; Defendant Comverse shall file and serve its reply to Plaintiff's opposition no later than August 24, 2007. This Stipulation may be excuted in counterparts, including by signature transmitted by facsimile. Each counterpart when so executed shall be deemed to be an original, and all such counterparts together shall constitute the same instrument. So Ordered. (Signed by Judge Colleen McMahon on 6/27/07) (js) (Entered: 06/28/2007)
07/06/2007	<u>¶ 11</u>	MOTION to Dismiss <i>or Stay</i> . Document filed by Comverse Technology, Inc..(Allerhand, Joseph) (Entered: 07/06/2007)
07/06/2007	<u>¶ 12</u>	MEMORANDUM OF LAW in Support re: <u>11</u> MOTION to Dismiss <i>or Stay</i> .. Document filed by Comverse Technology, Inc.. (Allerhand, Joseph) (Entered: 07/06/2007)
07/06/2007	<u>¶ 13</u>	AFFIDAVIT of Matthew L. Mustokoff in Support re: <u>11</u> MOTION to Dismiss <i>or Stay</i> .. Document filed by Comverse Technology, Inc.. (Attachments: # <u>1</u> Exhibit A Part 1# <u>2</u> Exhibit A Part 2# <u>3</u> Exhibit B Part 1# <u>4</u> Exhibit B Part 2# <u>5</u> Exhibit C# <u>6</u> Exhibit D Part 1# <u>7</u> Exhibit D Part 2# <u>8</u> Exhibit D Part 3# <u>9</u> Exhibit D Part 4# <u>10</u> Exhibit E# <u>11</u> Exhibit F# <u>12</u> Exhibit G# <u>13</u> Exhibit H# <u>14</u> Exhibit I# <u>15</u> Exhibit J# <u>16</u> Exhibit K# <u>17</u> Exhibit L# <u>18</u> Errata M Part 1# <u>19</u> Exhibit M Part 2# <u>20</u> Exhibit M Part 3# <u>21</u> Exhibit N Part 1# <u>22</u> Exhibit N Part 2# <u>23</u> Exhibit N Part 3# <u>24</u> Exhibit O)(Allerhand, Joseph) (Entered: 07/06/2007)

07/10/2007	<u>¶ 14</u>	ORDER APPOINTING INTERNATIONAL PROCESS SERVER. The Court hereby appoints Crowe Foreign Services, 1020 SW Taylor Street, Suite 240, Portland, Oregon, 97205, and its agents, as the authority and judicial officer competent under the Jurisdiction of this Court to forward to the Central Authority in the applicable country, any and all documents to be served in this case. (Signed by Judge Colleen McMahon on 7/9/07) (djc) (Entered: 07/11/2007)
08/10/2007	<u>¶ 15</u>	MEMORANDUM OF LAW in Opposition re: <u>11</u> MOTION to Dismiss <i>or Stay</i> .. Document filed by Mark Levy. (Fruchter, Jack) (Entered: 08/10/2007)
08/15/2007	<u>¶ 16</u>	CERTIFICATE OF SERVICE. Yaacov Koren served on 7/29/2007, answer due 8/20/2007. Service was accepted by Yaacov Koren. Document filed by Mark Levy. (Fruchter, Jack) (Entered: 08/15/2007)
08/27/2007	<u>¶ 17</u>	MOTION to Dismiss <i>the Amended Complaint</i> . Document filed by Yaacov Koren.(Taube, Seth) (Entered: 08/27/2007)
08/27/2007	<u>¶ 18</u>	MEMORANDUM OF LAW in Support re: <u>17</u> MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Yaacov Koren. (Taube, Seth) (Entered: 08/27/2007)
08/28/2007	<u>¶ 19</u>	STIPULATION AND ORDER, that Comverse withdraws that portion of the motion seeking a stay in this action; Plaintiff shall file and serve and amended opposition to Comverses motion no later than 8/17/07; Comverse shall file and serve its reply to Plaintiffs opposition no later than 8/31/07; Koren shall file and serve his responses to the Amended Complaint no later than 8/27/07; Plaintiff shall file and serve his opposition to Korens response to the Amended Complaint no later than 9/11/07; Koren shall file and serve his reply to Plaintiffs opposition no later than 9/18/07. (Signed by Judge Colleen McMahon on 8/23/07) (pl) (Entered: 08/29/2007)
08/30/2007	<u>¶ 20</u>	REPLY MEMORANDUM OF LAW in Support re: <u>11</u> MOTION to Dismiss <i>or Stay</i> .. Document filed by Comverse Technology, Inc.. (Schiller, Miranda) (Entered: 08/30/2007)
09/06/2007	<u>¶ 21</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Mitchell M. Z. Twersky dated 8/15/07 re: Plaintiff requests leave to file an amended brief by this Friday August 17, 2007. As a consequence of the foregoing, the parties further request that the initial conference in this matter currently scheduled for September 14, 2007, be moved to a date following the close of briefing September 18. ENDORSEMENT: Proposed schedule is ok with the Court. So Ordered. (Signed by Judge Colleen McMahon on 9/5/07) (js) (Entered: 09/06/2007)
09/11/2007	<u>¶ 22</u>	MEMORANDUM OF LAW in Opposition re: <u>17</u> MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Mark Levy. (Fruchter, Jack) (Entered: 09/11/2007)
09/14/2007	<u>¶ 23</u>	Calendar Notice: Rule 16 Conference set for 10/12/2007 at 10:45 AM in Courtroom 21B, 500 Pearl Street, New York, NY 10007 before Judge Colleen McMahon. (Signed by Judge Colleen McMahon on 9/14/07) (dle) (Entered: 09/14/2007)
09/18/2007	<u>¶ 24</u>	REPLY MEMORANDUM OF LAW in Support re: <u>17</u> MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Yaacov Koren. (Taube, Seth) (Entered: 09/18/2007)

09/25/2007	<u>¶ 25</u>	MOTION for Richard B. Harper to Appear Pro Hac Vice. Document filed by Yaacov Koren. (jco) (Entered: 09/27/2007)
10/01/2007	<u>¶</u>	CASHIERS OFFICE REMARK on <u>25</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 09/25/2007, Receipt Number 627939. MOTION PRO HAC VICE FOR RICHARD B. HARPER. (jd) (Entered: 10/01/2007)
10/01/2007	<u>¶ 26</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <u>25</u> Motion for Richard B. Harper to Appear Pro Hac Vice. IT IS HEREBY ORDERED that Richard B. Harper is admitted to practice pro hac vice as counsel for Defendant Yaacov Koren in the above captioned case in the U.S.D.C. S.D.N.Y. (Signed by Judge Colleen McMahon on 10/1/07) (tro) (Entered: 10/01/2007)
10/01/2007	<u>¶</u>	Transmission to Attorney Admissions Clerk. Transmitted re: <u>26</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (tro) (Entered: 10/01/2007)
10/11/2007	<u>¶ 27</u>	NOTICE OF APPEARANCE by Ian Hugh Hummel on behalf of Yaacov Koren (Hummel, Ian) (Entered: 10/11/2007)
10/12/2007	<u>¶</u>	Minute Entry for proceedings held before Judge Colleen McMahon : Interim Pretrial Conference held on 10/12/2007. Plaintiff is given 60 days to conduct limited discovery on the issue of whether Koren is an insider pursuant to section 16(b) of the Securities Exchange Act. No discovery of Koren's purchases and sales until insider issue is determined. Defendant's augmented Motion for Summary Judgment due 1/15/2008; Plaintiff's response due 1/30/2008. Motion to stay, due to parallel suit in EDNY, is denied. Motion to dismiss on 12(b)(6) ground is denied. (jar) (Entered: 10/29/2007)
10/17/2007	<u>¶ 28</u>	NOTICE OF APPEARANCE by Miranda Saskia Schiller on behalf of Comverse Technology, Inc. (Attachments: # <u>1</u> Notice of Appearance of Matthew Mustokoff)(Schiller, Miranda) (Entered: 10/17/2007)
10/30/2007	<u>¶ 29</u>	STIPULATION AND ORDER: the time for Nominal Defendant Comverse Technology, Inc. to file and serve its answer to the complaint is extended to 11/8/07. Comverse Technology, Inc. answer due 11/8/2007. (Signed by Judge Colleen McMahon on 10/30/07) (db) (Entered: 10/30/2007)
10/31/2007	<u>¶ 30</u>	STIPULATION AND ORDER, that Mr. Koren shall file and serve his answer to the complaint no later than 11/8/07. Yaacov Koren answer due 11/8/2007. (Signed by Judge Colleen McMahon on 10/31/07) (cd) (Entered: 10/31/2007)
11/08/2007	<u>¶ 31</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Comverse Technology, Inc..(Schiller, Miranda) Modified on 11/8/2007 (Lewis, Diahann). (Entered: 11/08/2007)
11/08/2007	<u>¶ 32</u>	ANSWER to Complaint. Document filed by Comverse Technology, Inc..(Schiller, Miranda) (Entered: 11/08/2007)
11/08/2007	<u>¶ 33</u>	ANSWER to Amended Complaint. Document filed by Yaacov Koren.(Taube, Seth) (Entered: 11/08/2007)
12/03/2007	<u>¶ 34</u>	STIPULATION: All documents to be produced in response to Plaintiff's First Set of Requests for the Production of Documents shall be treated as "For Attorney's Eyes Only," pending the execution of a confidentiality agreement between the parties, which the parties intend on finalizing and executing over the next several

		days. If a stipulation is not agreed upon and executed prior to the taking of depositions in this action, documents designated at "Confidential" may be shown to deponents, provided that the deponent shall be advised that the information contained in such document should not be disclosed by the deponent. (Signed by Judge Colleen McMahon on 11/30/2007) (jar) (Entered: 12/03/2007)
12/04/2007	<u>¶ 35</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement).. Referred to Magistrate Judge Magistrate Judge Debra C. Freeman. SO ORDERED: (Signed by Judge Colleen McMahon on 12/4/2007) "The Clerk's Office Has Mailed Copies".(mde) (Entered: 12/04/2007)
12/04/2007	<u>¶</u>	Minute Entry for proceedings held before Magistrate Judge Debra C. Freeman: Telephone Conference held on 12/4/2007 regarding discovery dispute-Judge ordred deposition should go forward as scheduled. Next telephone conference 12/12/07 at 11:00 AM if necessary. (kco) (Entered: 12/14/2007)
01/15/2008	<u>¶ 36</u>	MOTION for Summary Judgment <i>and Rule 56.1(a) Statement</i> . Document filed by Comverse Technology, Inc.. Responses due by 1/30/2008(Schiller, Miranda) (Entered: 01/15/2008)
01/15/2008	<u>¶ 37</u>	MEMORANDUM OF LAW in Support re: <u>36</u> MOTION for Summary Judgment <i>and Rule 56.1(a) Statement</i> .. Document filed by Comverse Technology, Inc.. (Schiller, Miranda) (Entered: 01/15/2008)
01/15/2008	<u>¶ 38</u>	AFFIDAVIT of Michael J. Firestone in Support re: <u>36</u> MOTION for Summary Judgment <i>and Rule 56.1(a) Statement</i> .. Document filed by Comverse Technology, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G-1, # <u>8</u> Exhibit G-2, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I)(Schiller, Miranda) (Entered: 01/15/2008)
01/15/2008	<u>¶ 39</u>	AFFIDAVIT of Michael J. Firestone in Support re: <u>36</u> MOTION for Summary Judgment <i>and Rule 56.1(a) Statement</i> .. Document filed by Comverse Technology, Inc.. (Attachments: # <u>1</u> Exhibit J, # <u>2</u> Exhibit K, # <u>3</u> Errata L, # <u>4</u> Exhibit M, # <u>5</u> Exhibit N, # <u>6</u> Exhibit O, # <u>7</u> Errata P, # <u>8</u> Errata Q, # <u>9</u> Exhibit R, # <u>10</u> Exhibit S, # <u>11</u> Exhibit T-1, # <u>12</u> Exhibit T-2, # <u>13</u> Exhibit T-3, # <u>14</u> Exhibit T-4, # <u>15</u> Exhibit T-5)(Schiller, Miranda) (Entered: 01/15/2008)
01/15/2008	<u>¶ 40</u>	MOTION for Summary Judgment <i>and Local Rule 56.1 Statement of Undisputed Facts</i> . Document filed by Yaacov Koren.(Taube, Seth) (Entered: 01/15/2008)
01/15/2008	<u>¶ 41</u>	MEMORANDUM OF LAW in Support re: <u>40</u> MOTION for Summary Judgment <i>and Local Rule 56.1 Statement of Undisputed Facts</i> .. Document filed by Yaacov Koren. (Taube, Seth) (Entered: 01/15/2008)
01/15/2008	<u>¶ 42</u>	DECLARATION of Seth T. Taube in Support re: <u>40</u> MOTION for Summary Judgment <i>and Local Rule 56.1 Statement of Undisputed Facts</i> .. Document filed by Yaacov Koren. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B – Part 1 of 4, # <u>3</u> Exhibit B – Part 2 of 4, # <u>4</u> Exhibit B – Part 3 of 4, # <u>5</u> Exhibit B – Part 4 of 4, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Exhibit F, # <u>10</u> Exhibit G, # <u>11</u> Exhibit H, # <u>12</u> Exhibit I – Part 1 of 2, # <u>13</u> Exhibit I – Part 2 of 2, # <u>14</u> Exhibit J, # <u>15</u> Exhibit K, # <u>16</u> Exhibit L – Part 1 of 2, # <u>17</u> Exhibit L – Part 2 of 2)(Taube, Seth) (Entered: 01/15/2008)
01/15/2008	<u>¶ 43</u>	AFFIDAVIT of Yaacov Koren in Support re: <u>40</u> MOTION for Summary Judgment <i>and Local Rule 56.1 Statement of Undisputed Facts</i> .. Document filed

		by Yaacov Koren. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C – Part 1 of 2, # <u>4</u> Exhibit C – Part 2 of 2, # <u>5</u> Exhibit D)(Taube, Seth) (Entered: 01/15/2008)
01/23/2008	<u>İ 44</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Ximena R. Skovron dated 1/22/2008 re: request that the Court extend the deadline for filing his opposing papers from 1/30/2008 to 2/27/2008. ENDORSEMENT: Extension granted – no additional time will be granted – 14 days to reply. (Signed by Judge Colleen McMahon on 1/23/2008) (jar) (Entered: 01/23/2008)
02/26/2008	<u>İ 45</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Ximena R. Skovron dated 2/25/2008 re: requesting that plaintiffs time to file his omnibus memorandum law, Statements of Undisputed Material Facts Pursuant to Local Rule 56.1 and supporting papers in opposition to defendants' respective motions for summary judgment be extended three business days, form February 27, 2008 to March 3, 2008. ENDORSEMENT: OK– no problem. (Signed by Judge Colleen McMahon on 2/26/2008) (jpo) (Entered: 02/26/2008)
02/26/2008	<u>İ 46</u>	STIPULATED PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material.... (Signed by Judge Colleen McMahon on 2/25/08) (tro) (Entered: 02/27/2008)
02/28/2008	<u>İ 47</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Seth Taube dated 2/27/08 re: Request for a one week extension of time for both Mr. Koren and for the Nominal defendant Converse to serve and file their reply memoranda of law in support of their motion for summary judgment. ENDORSEMENT: OK. (Replies to Response to Brief due by 3/24/2008.) (Signed by Colleen McMahon on 2/28/08) (cd). (Entered: 02/28/2008)
03/03/2008	<u>İ 48</u>	MEMORANDUM OF LAW in Opposition re: <u>36</u> MOTION for Summary Judgment <i>and Rule 56.1(a) Statement.</i> , <u>40</u> MOTION for Summary Judgment <i>and Local Rule 56.1 Statement of Undisputed Facts.</i> .. Document filed by Mark Levy. (Fruchter, Jack) (Entered: 03/03/2008)
03/03/2008	<u>İ 49</u>	DECLARATION of Ximena R. Skovron in Opposition re: <u>36</u> MOTION for Summary Judgment <i>and Rule 56.1(a) Statement.</i> , <u>40</u> MOTION for Summary Judgment <i>and Local Rule 56.1 Statement of Undisputed Facts.</i> .. Document filed by Mark Levy. (Attachments: # <u>1</u> Exhibit 1 (Part 1), # <u>2</u> Exhibit 1 (Part 2), # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5 to 7D, # <u>7</u> Exhibit 7E, # <u>8</u> Exhibit 8A to 8F, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10A to 13, # <u>11</u> Exhibit 14A, # <u>12</u> Exhibit 14B to 16D, # <u>13</u> Exhibit 17, # <u>14</u> Exhibit 18, # <u>15</u> Exhibit 19, # <u>16</u> Exhibit 20, # <u>17</u> Exhibit 21, # <u>18</u> Exhibit 21A, # <u>19</u> Exhibit 22B, # <u>20</u> Exhibit 22C, # <u>21</u> Exhibit 22D, # <u>22</u> Exhibit 22E, # <u>23</u> Exhibit 22F, # <u>24</u> Exhibit 22G, # <u>25</u> Exhibit 22H)(Fruchter, Jack) (Entered: 03/03/2008)
03/03/2008	<u>İ 50</u>	RESPONSE to Motion re: <u>40</u> MOTION for Summary Judgment <i>and Local Rule 56.1 Statement of Undisputed Facts. Plaintiff Mark Levy's Response to Defendant Yaacov Koren's Local Rule 56.1 Statement of Undisputed Material Facts and Plaintiff's Statement of Additional Undisputed Material Facts.</i> Document filed by Mark Levy. (Fruchter, Jack) (Entered: 03/03/2008)
03/03/2008	<u>İ 51</u>	RESPONSE to Motion re: <u>36</u> MOTION for Summary Judgment <i>and Rule 56.1(a) Statement. Plaintiff Mark Levy's Response to Nominal Defendant Converse Technology, Inc.'s Local Rule 56.1 Statement of Undisputed Material Facts and Plaintiff's Statement of Additional Undisputed Material Facts.</i> Document filed by Mark Levy. (Fruchter, Jack) (Entered: 03/03/2008)

03/03/2008	<u>¶ 52</u>	AFFIDAVIT of Ximena R. Skovron in Opposition re: <u>36</u> MOTION for Summary Judgment <i>and Rule 56.1(a) Statement..</i> , <u>40</u> MOTION for Summary Judgment <i>and Local Rule 56.1 Statement of Undisputed Facts..</i> Document filed by Mark Levy. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Fruchter, Jack) (Entered: 03/03/2008)
03/03/2008	<u>¶ 53</u>	CERTIFICATE OF SERVICE on March 3, 2008. Document filed by Mark Levy. (Fruchter, Jack) (Entered: 03/03/2008)
03/24/2008	<u>¶ 55</u>	REPLY MEMORANDUM OF LAW in Support re: <u>36</u> MOTION for Summary Judgment <i>and Rule 56.1(a) Statement..</i> Document filed by Comverse Technology, Inc.. (Schiller, Miranda) (Entered: 03/24/2008)
03/24/2008	<u>¶ 56</u>	RESPONSE <i>to Plaintiff Mark Levy's Statement of Additional Undisputed Facts Pursuant to Local Rule 56.1.</i> Document filed by Comverse Technology, Inc.. (Schiller, Miranda) (Entered: 03/24/2008)
03/24/2008	<u>¶ 57</u>	AFFIDAVIT of Matthew L. Mustokoff in Support re: <u>36</u> MOTION for Summary Judgment <i>and Rule 56.1(a) Statement..</i> Document filed by Comverse Technology, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(Schiller, Miranda) (Entered: 03/24/2008)
03/24/2008	<u>¶ 58</u>	AFFIDAVIT of Michael J. Firestone in Support re: <u>36</u> MOTION for Summary Judgment <i>and Rule 56.1(a) Statement..</i> Document filed by Comverse Technology, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B I, # <u>3</u> Exhibit B II, # <u>4</u> Exhibit B III, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K, # <u>14</u> Exhibit L, # <u>15</u> Exhibit M)(Schiller, Miranda) (Entered: 03/24/2008)
03/24/2008	<u>¶ 59</u>	AFFIDAVIT of Paul Baker in Support. Document filed by Comverse Technology, Inc.. (Attachments: # <u>1</u> Exhibit A)(Schiller, Miranda) (Entered: 03/24/2008)
03/24/2008	<u>¶ 60</u>	REPLY MEMORANDUM OF LAW in Support re: <u>40</u> MOTION for Summary Judgment <i>and Local Rule 56.1 Statement of Undisputed Facts..</i> Document filed by Yaacov Koren. (Taube, Seth) (Entered: 03/24/2008)
03/24/2008	<u>¶ 61</u>	RESPONSE <i>to PLAINTIFFS LOCAL RULE 56.1 STATEMENT OF ADDITIONAL UNDISPUTED FACTS.</i> Document filed by Yaacov Koren. (Taube, Seth) (Entered: 03/24/2008)
03/24/2008	<u>¶ 62</u>	DECLARATION of Ian H. Hummel in Support re: <u>40</u> MOTION for Summary Judgment <i>and Local Rule 56.1 Statement of Undisputed Facts..</i> Document filed by Yaacov Koren. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Taube, Seth) (Entered: 03/24/2008)
03/24/2008	<u>¶ 63</u>	REPLY AFFIDAVIT of Yaacov Koren in Support re: <u>40</u> MOTION for Summary Judgment <i>and Local Rule 56.1 Statement of Undisputed Facts..</i> Document filed by Yaacov Koren. (Attachments: # <u>1</u> Exhibit A)(Taube, Seth) (Entered: 03/24/2008)
09/22/2008	<u>¶ 64</u>	LETTER addressed to All Counsels in Levy v. Yaacov Koren, 07 Civ. 896 (CM), from Judge Colleen McMahon dated 9/22/2008 re: Pending motion...Counsel:When I picked up a draft of the decision on the pending motion from my law clerk and began immersing myself your briefs, I learned for the first time that Comverse, the issuer in the case, had a couple of what are described

therein as joint ventures with Soros Fund Management, Inc. This was not mentioned in Comverses Rule 1.7 Statement (nor, frankly, do I think it should have been). From 1998–2004, my husband was the head of Private Equity for Soros Fund Management. I have checked with him, and he advises that Soros, through an entity called the Quantum Fund, had and perhaps still has what he described as a small investment in the entities known as Comsor Venture Fund LDC and Comsor Investment Fund, LCD. Although my husband is no longer employed by the Soros organization, he has some continuing interest in Quantum, and hence in its investments. The fact that Soros/Quantum and Comverse are co-investors in the Comsor Funds, in and of itself, would not give rise to any reason to disqualify myself from this matter. It does not appear that the issue to be decided in this case whether Yaakov Koren is a statutory insider in Comverse for purposes of Section 16(b) of the Securities and Exchange Act is in any way affected by this joint investment. My husband has no financial interest in Comverse, the company that is the subject matter of this lawsuit, and no other financial interest that would appear to be affected by the result in this case. I cannot see any way in which Quantum's investment in the Comsor Funds would be impacted if plaintiff were to prevail and Comverse were to recover Koren's short-swing profits. I therefore see no reason to recuse myself from the matter. If anyone feels differently, please send a letter by the close of business tomorrow, explaining how my husband's interest in Quantum could be affected by the outcome of this lawsuit.. (Signed by Judge Colleen McMahon on 9/22/2008) (mde) (Entered: 09/22/2008)

09/24/2008	<u>¶ 65</u>	LETTER addressed to All Counsel in Levy v. Koren, 07–cv–896 from Judge Colleen McMahon dated 9/24/2008 re: I do not want anyone to suggest that my decision on the pending motion, should I complete it, was dictated by any desire to avoid coming to grips with the issue of the potential Soros employee testimony. That is why, if defendant (or for that matter, plaintiff) has any additional information about testimony from someone who is or was at Soros, which would be relevant to a disputed material issue of fact in this case, he needs to provide me (and the other side) with detailed information immediately. And if anyone believes that I should recuse myself, he should come out and say so, and explain why, with no pussyfooting around.(jpo) (Entered: 09/24/2008)
09/26/2008	<u>¶ 66</u>	ENDORSED LETTER addressed to All Counsel from Judge Colleen McMahon dated 9/25/08 re: Judge McMahon's memoranda of September 22 and 24 and your responses thereto. ENDORSEMENT: Defendant expressed concern that I might be required to recuse myself because the relationship between my husband and a former employee of his (whom I do not know) suggests that "at a minimum" I have personal knowledge of disputed evidentiary facts concerning this proceeding. As a result of this unfortunate development, I must now recuse myself pursuant to 28 U.S.C. 455(b)(1). I have notified Chief Judge Wood of the problem. The case will be reassigned within the next few weeks. (Signed by Judge Colleen McMahon on 9/25/08) A copy of this Order has been forwarded to the reassignment clerk via inter-office envelope on 9/26/08.(tro) (Entered: 09/26/2008)
10/03/2008	<u>¶ 67</u>	NOTICE OF CASE REASSIGNMENT to Judge Shirley Wohl Kram. Judge Colleen McMahon is no longer assigned to the case. (rdz) (Entered: 10/06/2008)
09/11/2009	<u>¶ 68</u>	NOTICE OF CASE REASSIGNMENT to Judge Alvin K. Hellerstein. Judge Shirley Wohl Kram is no longer assigned to the case. (rdz) (rdz). (Entered: 09/15/2009)

02/01/2010	<u>¶ 69</u>	NOTICE OF APPEARANCE by Ximena R. Skovron on behalf of Mark Levy (Skovron, Ximena) (Entered: 02/01/2010)
02/03/2010	<u>¶ 70</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Mitchell M.Z.Twersky dated 2/2/2010 re: Requesting a one week adjournment the summary judgment hearing scheduled for February 3, 2010. ENDORSEMENT: Oral argument is adjourned to March 1, 2010 at 4:00 p.m. (Signed by Judge Alvin K. Hellerstein on 2/3/2010) (jpo) (Entered: 02/03/2010)
03/01/2010	<u>¶ 71</u>	ENDORSED LETTER: addressed to Judge Alvin K. Hellerstein from Seth T. Taube dated 2/25/2010 re: Counsel for defendant write of behalf of all parties to request a two week adjournment of the Summary judgment hearing which is currently scheduled for March 1, 2010 at 4:00 p.m.. ENDORSEMENT: Argument is adjourned to March 23rd, 2010 at 4:00 p.m. So Ordered. (Signed by Judge Alvin K. Hellerstein on 3/1/2010) (js) (Entered: 03/02/2010)
03/26/2010	<u>¶ 72</u>	STIPULATION AND ORDER OF TRANSFER: It is hereby Stipulated and agreed that this action is to be transferred to the United States District Court for the Eastern District of New York, where the parties may seek to consolidate it with In re Comverse Technology, Inc., No 06-CV-1849 (NGG)(RER) solely for the purposes identified above. (Signed by Judge Alvin K. Hellerstein on 3/26/2010) (jfe) (Entered: 03/26/2010)
03/26/2010	<u>¶</u>	CASE TRANSFERRED OUT ELECTRONICALLY from the U.S.D.C. Southern District of New York to the United States District Court – Eastern District of New York, except for documents numbered 54 which were sent via Federal Express AIRBILL # 7985 3422 4161 on 4/2/2010 by the Sealed Records Department. (tro) (Entered: 04/02/2010)